

**BOROUGH OF WIND GAP
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EXECUTIVE SESSION

Council met in Executive Session from 6:45 p.m. until 7:40 p.m. to discuss personnel issues

The Council meeting of the Borough of Wind Gap on Tuesday, September 6, 2011, was called to order at 7:45 p.m. by Council President, Scott Parsons, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: John Maher, Dave Hess, Kerry Gassler, George Hinton, Joe Weaver and Tony Curcio. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysker and Borough Administrator Louise Firestone.

Council President Scott Parsons informed those present that no action would be taken with regard to the Executive Session discussion.

PUBLIC COMMENT

1. Paul Levits. Paul stated that he is requesting some guidance from Council regarding some issues with his property on West Street. He is currently involved with Labor and Industry (L&I) and received a letter from them outlining violations on his property. One of the key violations involves the property on the east side which is basically a zero lot line property with three emergency escape doors and L & I is requesting that concrete pads be installed, but his property abuts the alleyway so the concrete pads would be on Borough property. Paul has a survey map and explained to L & I that where they are requesting the pads be placed is not his property. He outlined what he believes to be the options, which includes: the Borough provide him with a letter stating that it is okay to install the pads or the Borough provides him with a letter stating that it is not okay so Paul could then appeal the decision. Brian Pysker stated that he would have to research to verify that the alley is an ordained alley and if it is not ordained then the Borough might not be involved. Paul explained that he has a time limit to respond to the letter. It was decided that Brian would meet with Paul as soon as possible to review the ordinances and come to a determination. Council will take action at their September 20 Council meeting, if necessary.

APPROVAL OF EXPENSES

On motion by Tony Curcio to approve the expenses for the month of August in the amount of \$28,991.99 and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

John Maher explained that the camera system at the Park is functional and he stayed within the budget imposed by Council and only spent \$1,360.10.

APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the meeting minutes of July 12, 2011 and seconded by Tony Curcio. Roll call vote taken. In favor: K. Gassler, D. Hess, J. Maher, S. Parsons, J. Weaver, T. Curcio. Abstained: G. Hinton. Motion carried with a vote of 6-0-1.

On motion by John Maher to approve the meeting minutes of August 9, 2011 and seconded by Dave Hess. Roll call vote taken. In favor: D. Hess, G. Hinton, J. Maher, S. Parsons, J. Weaver, T. Curcio. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

SOLICITOR'S REPORT

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of August are outlined in a report. The report includes the meetings attended as Borough Solicitor.

Subdivision Matters: Review of file and status of Letter of Credit on Gap View Estates f/k/a Posh Properties Major Subdivision (First Street).

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Preparation of Application for Real Estate Tax Exemption on the West Avenue and West Street Parcels. Receipt, Review and Administration of e-mail from Borough Zoning/Planning Officer, Review of Borough SALDO and File and Preparation of Comprehensive Responsive Correspondence to Borough Zoner/Planner re: Brown Daub Project.

Developments on Outstanding Litigation: Receipt, Review and Administration of file and Correspondence to Both Opposing Counsel re: status of signature of Stipulation of Counsel re: PPL Cell Tower Lawsuit. Attendance at Hearing before the Northampton County Board of Revenue Appeals on Real Estate Exemption Request for the parcels on East West Street and West Avenue.

Court Decisions on Borough Cases: Real Estate Tax Exemption granted for West Street and West Avenue parcels.

Miscellaneous: Receipt, Review and Administration of Recorded deeds, Preparation of Enclosure Correspondence, brief Legal Research and Preparation of Application for Real Tax Exemptions re: Property deeded from Grand Central Investment Company, Ltd. On West Avenue and West Street. Preparation of revisions to Road Opening Ordinance (including major revisions to permit application information) and e-mail transmission to Councilman J. Maher. Brief Review of Public Employees Bargaining Act, Comprehensive Telephone Conversation with Joe Wieder, Union Representative of Teamsters Local 773 – Allentown, PA and written Memorandum to file re: Request of Mediation. Travel to and from Easton and Attendance at Northampton County Mapping Office to obtain Copy of Map as Exhibit for Real Estate Tax Exemption Hearing on the West Street and West Avenue Properties. Receipt, Review and Administration of Correspondence from Borough, Review of all Solicitor's Reports for 2010 and Preparation of comprehensive Audit Correspondence to Boroughs Accountant. Preparation of Monthly Solicitor's Report. Review various correspondence, subdivision and land development review letters, prepare correspondence, prepare extension agreements and approval forms for subdivision and land development matters, and make and receive telephone calls.

Outstanding Items: Dentith storm water counterclaim (filed in response to Borough's injunction lawsuit and request for Borough's expenses) – no action taken and remains pending. Ordinance for loitering, begging and panhandling – pending but inactive. Ordinance for reimbursement of equipment, materials and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?) – pending but inactive.

Ron stated that regarding the zoning changes for home occupation and clear site triangle he has not gotten out to the Wind Gap Planning Commission or the Lehigh Valley Planning Commission for review, but hopefully that will happen in the next week or so. He has not heard anything regarding the repeal of Borough Ordinance 81 dealing with the Fire Company. He did contact Mr. Weider after the last meeting to state that it would be time to negotiate the teamster's contract. Mr. Weider did respond to the Borough regarding the contract. Ron completed some of the review of the International Property Maintenance Code Ordinance (IPMC) and asked Council for direction regarding this ordinance. Ron is waiting for a description and map from the Borough Engineer so that an easement agreement can be completed. Scott asked Ron to prepare a draft of the IPMC prior to the September 20 meeting so Council can review it. Ron replied that the draft ordinance is relatively

short, but the bulk of the ordinance is the actual IPMC book because the entire book becomes the ordinance. Scott asked how the ordinance works since the book titled International Property Maintenance Code is basically the ordinance. Ron stated that in Upper Mt. Bethel he copied the book and attached it to the ordinance. In the front of the book, there is a sample ordinance to be used referencing the book and attaching it. Council may believe that some of the language is too severe and some changes can be adjusted according to Council's desire.

ENGINEER'S REPORT

Brian Pysher reported that he has the map and description ready for Kerry Gassler's property and make sure that Kerry, the Borough Office and Ron all receive copies. The concrete pad will be 6' X 8', but he made it a little bit bigger – 10' X 12'. The question is does the Borough want to put power to the shelters. The shelters were built with illumination for the advertising panels, but the shelter itself is not illuminated. There are street lights by both proposed shelter locations and for the amount of money that it will cost to run the electric wiring and have an electrician hook up the power, Brian suggested that the shelters be installed without lights for the time being and see how it works. If it is an issue, Council can decide to run the electricity at a later date.

On motion by John Maher to install the two bus shelters without lights and once easement is signed by Kerry Gassler for the shelter on his property the project will move forward and seconded by Dave Hess. During discussion, George suggested installing the conduit in case the lights do need to be installed at a later date. John Maher **amended his motion** to include the installation of conduit and Dave Hess seconded. Roll call vote taken. In favor: G. Hinton, J. Maher, S. Parsons, J. Weaver, T. Curcio, D. Hess. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

Brian provided Council with a map of the Borough ambulance property and reported that during the past weekend (Hurricane Irene) a big tree came down behind that piece of property onto an adjacent property on their RV. There was a question of whose property the tree started on and concern regarding another tree that appeared to be leaning from all the rain. Mr. Oaten's property had been surveyed in 1981 by Robert Collura Engineering and at that time all the pins were set so when Brian had his survey crew on-site, they could locate the pins and determine that the tree that came down was not on Borough property and the leaning tree is not on Borough property. George added that while out on the neighbor's property, it was noted that along Alpha Road there are trees on Borough property that might need some attention as far as tree trimming as a preventative measure.

Brian stated that he spoke to Lehigh Valley Site Contractors last week and originally they indicated that they would begin this Thursday or Friday, but looking at the weather, the paving project on Oak and Genoga would likely begin next week some time. Most of the residents on those two streets do not use the street for parking. George suggested putting up signs on A Street because a lot of people utilize cutting through the lower end of town to avoid traffic on Route 512.

NEW BUSINESS

1. Wind Gap Municipal Authority Vacancy. Borough Council received a letter of interest from Roger Bet.

On motion by John Maher to appoint Roger Bet to the unfilled term of Jon Faust on the Wind Gap Municipal Authority and seconded by Joe Weaver. Roll call vote taken. Motion carried unanimously.

2. Scott Parsons reported that he received numerous complaints regarding the basketball courts being closed at the park over this past weekend. The police lock the basketball gate at 10:00 p.m. Typically John Zucal unlocks the gate during the weekends when he opens the restrooms, but John was away over the weekend and it was an oversight.

3. John Maher expressed his concern about the sewer line overflowing raw sewage at the end of Jefferson Street into the storm drain. He would like to file a formal complaint to the Municipal Authority that they repair that because it is supposed to be a closed system from the house to the sewer plant. John had neighbors complaining to him regarding the flowing sewerage. Paul Levits stated that probably every sewer plant in the northeast was discharging and overflowing and even some plants were shutdown because of the overflowing. He added that the discharge was due to the torrential downpours when it used to be discharging even due to some rain events. John asked if they could at least camera the lines to verify that there is no breakage.

4. Kerry Gassler reported that Ron Minnich, who works for the Forest Rangers, approached him regarding installing a state sign on the Fire Company property. The State will pay for the sign, put it up and maintain the sign.

On motion by John Maher to approve the installation of a sign as long as it meets the zoning requirements and they complete the application for a permit to be issued at no cost and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

5. Kerry Gassler asked if there was a reason that the Borough office was closed recently today and a day a couple weeks ago. A sign was on the door "Out for Inspection". Is this happening frequently. Scott stated that when he called the office Louise informed him that she was not feeling well and would probably not make it all day and he informed her to close the office and go home. It was Darlene's day off or they would have scheduled it so the office was covered. Scott acknowledged that it does happen, but he has asked that the office is covered and for the most part it does happen.

6. Kerry Gassler stated Ralph Wentzell, who owns property on A Street, by the doctor's office, asked if the alley is ordained. The property is behind the gas station. Brian suggested that Mr. Wentzell look at his deed to determine if he owns into the alley.

7. Dave Hess reported that during the recent Lookout Fire Company festivities over Labor Day the Wind Gap Fire Company participated in the challenge which is games (time to connect hoses, get dressed, various events). Wind Gap won the competition. Dave will pass along the Council's congratulations. George added that for the first time since participating during the judging of the vehicles, 3512 won an award.

OLD BUSINESS

1. Civil Service Commission. Russ Grover stated that the Civil Service Commission has completed all the exams and tests and he presented the list of candidates that are eligible for hire. The Commission provided Council with the list of the top three. The Borough has to have the candidates go for a physical exam, a psychological exam and conduct a background check. The Commission started with thirty applicants and finished a list of fifteen. Russ stated that the Commission recommends the list remain in effect for a period of two years. Scott asked Ron Karasek what the Borough's next move is regarding the hiring process. Ron replied that has to read the Borough's Civil Service Rules and Regulations. Scott stated that unless Council hears differently, the Mayor, the Chief and he will get together next week to call in the first on the list. Scott took this opportunity to thank Russ and his Commission for the job they did with the process. Russ thanked Louise for sending two of the members to the Civil Service Commission seminar in Scranton.

2. Proposed Street Opening Ordinance. Ron Karasek added that the final draft with final revisions had been forwarded to Council for review. The most significant revision that was discussed and changed was the permit information in Section 8. He believes that it was left that Council would review the entire ordinance and discuss if any further changes should be included prior to authorizing Ron to advertise this ordinance for enactment. Council decided that this would be on the September 20, 2011 agenda.

On motion by Tony Curcio to adjourn the meeting of September 6, 2011 and seconded by John Maher. Council agreed unanimously.

The meeting of September 6, 2011 adjourned at 8:40 p.m.

Louise Firestone, Borough Administrator